

ENTERED

January 30, 2024

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JOHN DOE,

Plaintiff,

v.

PRAIRIE VIEW A&M
UNIVERSITY, *et al.*,

Defendants.

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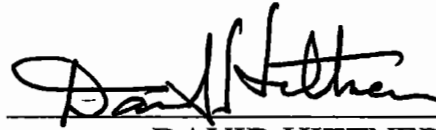
Civil Action No. H-22-1019

ORDER

On January 18, 2024, the Court held a final pretrial conference at which the parties raised a question of law regarding the causation standard that would be used in this case. Specifically, the question of whether sex is required to be the “but-for” cause or “a motivating factor” of the Title IX discrimination. At the pretrial conference the Court deferred ruling on the question of law regarding the causation standard. In a recent decision the Fifth Circuit held that a plaintiff in a Title IX dispute can show discrimination if “a reasonable jury—presented with the facts alleged—[could] find that sex was a motivating factor in the University’s disciplinary decision.” *Doe v. Rice Univ.*, 67 F.4th 702, 709 (5th Cir. 2023). Having considered the Fifth Circuit precedent and other applicable case law the Court finds the appropriate standard to use is “a motivating factor” causation standard. Accordingly, the Court hereby

ORDERS that for the purpose of this trial “a motivating factor” standard will be the legal causation standard used by the Court and instructed to the jury.

SIGNED at Houston, Texas, on this 30 day of January, 2024.

A handwritten signature in black ink, appearing to read "David Hittner", is written over a horizontal line.

DAVID HITTNER
United States District Judge